

# PPM 200

## DEFINITIONS

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*[NOTE: Terms accompanied by an asterisk (\*) are elsewhere defined in this chapter.]*

## **200.01 ACT**

Except where otherwise noted, Act means the Rehabilitation Act of 1973 (P.L. 103-73, 29 U.S.C. 701, *et seq.*) as subsequently amended.

## **200.02 APPLICANT**

Applicant means any individual who:

(1) has submitted, or on whose behalf has been submitted, a written application form or any other written request for \*vocational rehabilitation

services which is completed and signed and has been received by the Vocational Rehabilitation Program; and

(2) has provided the information necessary to initiate an \*assessment for determining eligibility and priority for services; and

(3) is available to participate in and complete the assessment process.

### **200.03 APPROPRIATE MODES OF COMMUNICATION**

Appropriate modes of communication means specialized aids and supports that enable an \*individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, sign language interpreting, open and closed caption videos, specialized telecommunications services, audio recordings, Braille and large-print materials, materials in electronic formats, augmentative listening devices, graphic presentations, and simplified language materials.

### **200.04 APPROVED COMMUNITY AGENCY FOR THE DEAF (CAD)**

Approved Community Agency for the Deaf (CAD) means an agency that has not-for-profit status with the state and serves deaf and hard of hearing persons, or is a for-profit corporation that has had a contract as an agency with the Division of Disability and Rehabilitative Services (DDRS) for five years or longer and is approved by Deaf and Hard of Hearing Services (DHHS) and Vocational Rehabilitation Services (VRS).

### **200.05 APPROVED INTERPRETER**

Approved interpreter means an individual who holds a valid Indiana Interpreter Certificate (IIC) and is included in the Indiana Interpreter Certificate Directory. The term does not include interpreters holding the Educational Interpreter Certificate. All interpreters paid for or reimbursed by DDRS must hold a valid IIC.

**200.06 ASSESSMENT FOR DETERMINING ELIGIBILITY AND PRIORITY FOR SERVICES**

Assessment for determining eligibility and priority for services means, as appropriate to each individual and consistent with the requirements of PPM chapter 420, an individualized assessment which:

(1) is conducted by the Vocational Rehabilitation Program in order to determine—

(A) whether the individual is eligible or ineligible for \*vocational rehabilitation services, and

(B) the significance (severity) of the individual's disability, in order to assign the individual to the appropriate service priority category for purposes of the order of selection procedure described in PPM chapter 430 and/or determine whether or not the individual is qualified to receive trial work experiences, an extended evaluation, or \*supported employment services, all of which are reserved exclusively to individuals with most significant disabilities;

(2) is limited to an evaluation of information that is appropriate and necessary to make the required determinations;

(3) uses for its primary sources of information, to the maximum extent possible and appropriate in accordance with confidentiality and disclosure requirements—

(A) existing information, such as may be obtained from existing medical, psychological, training, employment, and other records and reports,

(B) information that can be provided by the individual and, if appropriate, by \*family members of the individual,

(C) determinations made by qualified officials of other programs that serve \*individuals with disabilities, especially officials of the Social Security Administration and education programs responsible for the public education of students with disabilities, and

(D) the professional observations of qualified Vocational Rehabilitation Counselors and other qualified individuals employed by the Vocational Rehabilitation Program; and

(4) may also include (to the extent that the information described in paragraph (3) of this section is not current or is insufficient or inappropriate for making the required determinations) additional medical, psychological, vocational, and other evaluations, including evaluations of the individual's—

(A) medical and psychological condition, history, and needs, including an examination of the individual's functional capacities and need for \*\*assistive technology devices and services,

(B) personality, interpersonal skills, personal and social adjustment, and social and behavioral functioning (including work-related attitudes, behaviors, and habits),

(C) intelligence,

(D) education, training, and academic and vocational interests, aptitudes, abilities, and accomplishments,

(E) vocational interests, aptitudes, and skills, work tolerance, work experience and performance, and employment opportunities, and

(F) the services needed for the individual to acquire or develop occupational skills, work tolerance, and social and behavioral patterns required for successful job performance; and

(5) prior to making a determination that any \*individual with a most significant disability is incapable of benefiting in terms of an \*employment outcome from the provision of \*vocational rehabilitation services, includes \*clear and convincing evidence of the inability to benefit obtained from—

(A) trial work experiences provided in order to determine the individual's ability, capability, and capacity to engage in and maintain employment; and/or

(B) an extended evaluation to determine the individual's ability, capability, and capacity to benefit in terms of an \*employment outcome from the provision of \*vocational rehabilitation services.

#### **200.07 ASSESSMENT FOR DETERMINING VOCATIONAL REHABILITATION NEEDS**

Assessment for determining vocational rehabilitation needs means, as appropriate to each individual and consistent with the requirements of PPM chapter 440, a comprehensive individualized assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of an \*eligible individual, in order to make a determination of the \*employment outcome and the nature and scope of \*vocational rehabilitation services to be included in his or her Individualized Plan for Employment (IPE). This comprehensive assessment:

(1) is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the Individualized Plan for Employment (IPE) of the eligible individual;

(2) uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

(A) existing information obtained for the purposes of the \*assessment for determining eligibility and priority for services,

(B) information that can be provided by the individual and, if appropriate, by the family of the individual,

(C) determinations made by qualified officials of other programs that serve \*individuals with disabilities, especially officials of the Social Security Administration and education programs responsible for the public education of students with disabilities, and

(D) the professional observations of the Vocational Rehabilitation Counselor;

(3) (A) may include, to the degree needed to make such a determination, assessments of the individual's—

- (1) vocational interests and aptitudes,
- (2) educational achievements and training,
- (3) occupational skills, work experience, and work attitudes, habits, and behaviors,
- (4) personality, personal and social adjustments, and interpersonal skills, and other social and behavioral patterns necessary for successful job performance,
- (5) intelligence,
- (6) physical and mental functioning and capacities and work tolerance, and
- (7) employment opportunities, and
- (B) any evaluation necessary to conduct such assessments; and

(4) may include referral of the individual for evaluation for and provision of \*rehabilitation technology services necessary to develop and support the capacities of the individual to perform in a work environment.

#### **200.08 ASSISTIVE TECHNOLOGY DEVICE**

Assistive technology device means any item, piece of equipment, or product system not otherwise specifically classified as medical or other equipment, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an \*individual with a disability.

#### **200.09 ASSISTIVE TECHNOLOGY SERVICE**

Assistive technology service means any service that directly assists an \*individual with a disability in the selection, acquisition, or use of an \*assistive technology device, including:

- (1) the evaluation of the needs of an \*individual with a disability for \*assistive technology devices, including a functional evaluation of the individual in his or her customary environment;
- (2) purchasing, leasing, or otherwise providing for the acquisition or use by an individual with a disability of an \*assistive technology device;
- (3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing \*assistive technology devices;
- (4) coordinating and using other therapies, interventions, or services in conjunction with \*assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (5) training or technical assistance with respect to the care and use of \*assistive technology devices for—

(A) an \*individual with a disability (or, if applicable, a \*family member, guardian, advocate, or authorized representative of the individual), and

(B) professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of \*individuals with disabilities, to the extent that such training or technical assistance is necessary to the achievement of an \*employment outcome by an \*individual with a disability.

## **200.10 CLEAR AND CONVINCING EVIDENCE**

As it applies to any determination that an individual is ineligible or no longer eligible for \*vocational rehabilitation services because his or her disability is so significant as to preclude the individual's ability to benefit in terms of an \*employment outcome from \*vocational rehabilitation services, the term clear and convincing evidence means that there is a high degree of certainty regarding the individual's inability to benefit. The clear and convincing standard constitutes the highest standard of evidence used in the American civil system of law, and is to be individually applied on a case-by-case basis. The term "clear" means unequivocal. Given these requirements, a review of existing information alone would generally not



provide clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and \*supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the significance of the disability. The demonstration of clear and convincing evidence must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including \*assistive technology devices and \*assistive technology services), in real-life settings.

## **200.11 COMMUNITY REHABILITATION PROGRAM (CRP)**

Community rehabilitation program (CRP) means an agency, organization, institution, or a unit of an agency, organization, or institution, which provides directly or facilitates the provision to \*individuals with disabilities of one or more of the following services to enable those individuals to maximize their opportunities for employment, including career advancement:

- (1) medical, psychiatric, psychological, social, and vocational services that are provided under one management;
- (2) testing, fitting, or training in the use of prosthetic and orthotic devices;
- (3) recreational therapy;
- (4) physical and occupational therapy;
- (5) speech, language, and hearing therapy;
- (6) psychiatric, psychological, and social services;
- (7) evaluation services needed for assessments for determining eligibility and priority for services and assessments for determining vocational rehabilitation needs;
- (8) \*rehabilitation technology (including \*rehabilitation engineering, \*assistive technology devices, and \*assistive technology services);

- (9) job-related services, including job development, job placement, and job retention services;
- (10) evaluation or management of specific disabilities;
- (11) rehabilitation teaching and orientation and mobility services for individuals who are blind;
- (12) \*extended (sheltered) work opportunities;
- (13) psychosocial rehabilitation services;
- (14) \*supported employment services and \*extended services;
- (15) services to \*family members, if necessary to enable the \*applicant or \*eligible individual to achieve an \*employment outcome;
- (16) \*personal assistance services (including interpreting, attendant care, reading, and note taking services); and
- (17) services similar to the services described in paragraphs (1)-(16) of this section.

## **200.12 COMPARABLE SERVICES AND BENEFITS**

- (1) Comparable services and benefits means services and benefits:

(A) provided or paid for, in whole or in part, by federal, state, or local public agencies or programs, health insurance, or employee benefits that are other than the VR program;

(B) that are available to the individual at the time needed to ensure the progress of the individual toward achieving the \*employment outcome described in his or her Individualized Plan for Employment (IPE); and

(C) that are commensurate to the services that the individual would otherwise receive from the Vocational Rehabilitation Program.

- (2) For the purposes of this definition, comparable services and benefits do not include:

(A) financial participation by the individual; or

(B) awards and scholarships based on merit that are provided for training but unspecified as to use.

### **200.13 COMPETITIVE EMPLOYMENT**

Competitive employment means work:

(1) in the competitive labor market that is performed on a full-time or part-time basis in an \*integrated work setting; and

(2) for which the individual is compensated at or above the federal minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who do not have disabilities.

### **200.14 CONFIDENTIAL INFORMATION**

Confidential information means any information obtained or created by and in the possession of the Vocational Rehabilitation Program which identifies or can be used to identify any individual who has been referred for, has applied for, or has been determined to be eligible for services. Confidential information includes any information containing the name, address, telephone number, Social Security number, or photograph of the individual, or any other item by which the individual may be identified or located. Personally identifying information is confidential, regardless of its source, form, or content, the manner or place of its origin, the mode of its storage and retrieval, or the method of its transmission, receipt, or retention, and irrespective of whether the information is current or historical. Included under this definition is any acknowledgement of the fact that any particular individual has been referred for, has applied for, or is a current or former recipient of \*vocational rehabilitation services.

### **200.15 COST OF ATTENDANCE (COA)**

A student's cost of attendance (COA) at a postsecondary training institution includes:

(1) tuition and fees;

- (2) room and board expenses while attending school;
- (3) allowances for books and supplies (including a reasonable allowance, as determined by the school, for renting or purchasing a personal computer);
- (4) \*transportation;
- (5) loan fees for federal student loans (if applicable);
- (6) dependent-care costs;
- (7) costs related to a disability; and
- (8) other miscellaneous expenses.

In addition, reasonable costs for a study-abroad program and costs associated with a student's employment as part of a cooperative education program may be included. The COA is determined by the school according to guidelines established by federal law.

## **200.16 DISCLOSURE**

Disclosure means, with respect to \*confidential information, the release of \*confidential information by any means whatever, including, but not limited to, permitting it to be viewed in person and release by photocopy or other reproduction, or by electronic transmission (as, for example, by e-mail or facsimile). The term includes the release of \*confidential information to any party, including to the individual (and his or her family member, attorney, advocate, or other representative), service providers, and the representatives of programs other than the Vocational Rehabilitation Program.

## **200.17 ELIGIBLE INDIVIDUAL**

Eligible individual means an individual who has been determined to meet the eligibility requirements for Vocational Rehabilitation Program participation and to be eligible for \*vocational rehabilitation services, as described in PPM chapter 421.

**200.18 EMPLOYMENT OUTCOME**

Employment outcome means full-time or, if appropriate, part-time \*competitive employment (as defined in section 200.13 of this chapter) in the integrated labor market, \*supported employment, or any other type of employment in an \*integrated setting, including telecommuting and \*small business enterprise (SBE) ownership and operation or other self employment of the individual's informed choice, consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, and career interests.

**200.19 ESTABLISHMENT AND START-UP COSTS**

With respect to a \*small business enterprise (SBE) outcome, establishment and start-up costs means the necessary costs required to set up and start the business, and to fund business operations during the \*start-up period. Such costs may include, but are not limited to, the initial purchase costs of business tools and equipment, initial stocks and supplies of product or raw material inventories, initiating and maintaining (for the \*start-up period only) utility services, the payment of advertising costs, and other expenses required for business operations during the \*start-up period.

**200.20 EXISTING BUSINESS**

With regard to the \*small business enterprise (SBE) policies and practices of the Vocational Rehabilitation Program, existing business means any business entity that has already been established by an \*applicant or \*eligible individual:

- (1) that is currently open for and is engaging in business; or
- (2) from whose operations the individual has derived income in any one or more of the three most recent years sufficient to lawfully require reporting to the IRS for purposes of federal business income taxes.

**200.21 EXPECTED FAMILY CONTRIBUTION (EFC)**

For purposes of postsecondary training student financial aid, the amount that a student and/or a student's family is expected to contribute toward meeting the student's \*cost of attendance (COA). The EFC is calculated

using a formula established by Congress and is used to determine whether or not a student is eligible for federal student financial aid. It appears on the front of the \*student aid report (SAR), the SAR acknowledgement, and in the student's institutional records.

## **200.22 EXTENDED PERIOD OF TIME**

Extended period of time, as it pertains to the definitions of the terms \*individual with a significant disability and \*individual with a most significant disability, means that the \*vocational rehabilitation services provided for under an Individualized Plan for Employment (IPE) are expected to be required and be continued for a period of nine months or longer, from the date on which the individual's IPE is signed until the date of successful rehabilitation and closure of the record of services.

## **200.23 EXTENDED SERVICES**

As applicable to \*supported employment services, extended services means \*ongoing support services and other appropriate services necessary to support and maintain an \*individual with a most significant disability in \*supported employment that are provided:

- (1) after the \*individual with a most significant disability has made the transition from services provided by the Vocational Rehabilitation Program; and
- (2) by a state agency or program, a private nonprofit organization, an employer, or another appropriate source which is other than the Vocational Rehabilitation Program.

## **200.24 EXTREME MEDICAL RISK**

Extreme medical risk means the probability of substantially increased functional impairment or death if medical or mental health services are not provided expeditiously. The presence of an extreme medical risk can be determined based only on information provided by a licensed physician and must constitute a present or imminent threat; not merely an anticipated future risk or eventuality.

**200.25 FAMILY MEMBER**

(1) Except as noted in paragraph (2) of this section, the term family member means an individual who is a relative or guardian of an \*applicant or \*eligible individual, or resides in the same household as the individual, and has a substantial interest in the individual's well being.

(2) For the specific purpose of qualifying for the provision of vocational rehabilitation services to family members, the term family member means an individual:

(A) who is a relative or guardian of an \*applicant or \*eligible individual, or resides in the same household as the individual, and has a substantial interest in the individual's well being; and

(B) whose receipt of vocational rehabilitation services to family members is necessary for the \*applicant or \*eligible individual to prepare for, enter or reenter, and maintain an \*employment outcome.

**200.26 FINANCIAL NEED**

For purposes of postsecondary training student financial aid, a student's financial need is the difference between a student's \*cost of attendance (COA) at a school and the \*expected family contribution (EFC), calculated by the formula  $COA - EFC = \text{financial need}$ .

**200.27 FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA)**

An application completed and filed by a student who wishes to receive federal and/or state student financial aid. The application collects household and financial information used by the federal government to determine the student/family eligibility for student assistance and to calculate the \*expected family contribution (EFC) for postsecondary education costs.

**200.28 IMPARTIAL HEARING OFFICER (IHO)**

(1) Impartial hearing officer (IHO) means an individual qualified to preside over impartial due process hearings and:

(A) is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

(B) is not a member of the state rehabilitation council (SRAC) of the Vocational Rehabilitation Program;

(C) has not been involved previously in the vocational rehabilitation of the \*applicant or \*eligible individual;

(D) has knowledge concerning the provision of \*vocational rehabilitation services, the State Plan of the Vocational Rehabilitation Program, and the federal and state regulations governing the provision of services;

(E) has received training with respect to the performance of official duties; and

(F) has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

(2) An individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the program to serve as a hearing officer.

## **200.29 INDIVIDUAL WHO IS BLIND**

Individual who is blind means an individual who has a central visual acuity of 20/200 or less in his or her better eye with best correction or a field of vision that is not greater than 20 degrees at its widest diameter.

## **200.30 INDIVIDUAL WHO IS HARD OF HEARING**

**For Vocational Rehabilitation Program purposes, individual who is hard of hearing means an individual with:**

**(1) a pure tone average (PTA) loss (measured at 500, 1000, 2000, and 4,000 Hz) of no less than 40dB in the better ear (bilaterally) without correction, and**



(2) a speech discrimination score (unaided) no higher than 69 percent, as determined with the use of phonetically balanced (PB) word lists administered at a 50dB HL (hearing level) in sound.

*[REQUIRED PRACTICE. An applicant who has either a PTA loss of 0 to 39dB in the better ear (unilateral hearing loss) or an unaided speech discrimination score of 70% or better does not have a substantial impediment to employment for purposes of eligibility determination for VR services, unless: (1) the individual has a secondary condition attendant to the hearing loss (e.g., tinnitus, vertigo, auditory recruitment, phonemic regression, or progressive hearing loss) which is verified by an otologist and constitutes or results in a substantial impediment to employment; or (2) the hearing loss itself (with or without other attendant conditions) renders the individual unable to perform specifically identified essential job functions of the planned employment outcome. Exceptions based on attendant secondary conditions or essential job functions must be properly documented and have prior administrative approval of the Area Supervisor as to the otologist's verification of the second, qualifying condition or the Counselor's determination of job function relevance.]*

### 200.31 INDIVIDUAL WITH A DISABILITY

(1) For purposes of the Vocational Rehabilitation Program, the term individual with a disability means, subject to the exceptions described in paragraph (2) of this section, an individual:

- (A) who has a \*physical or mental impairment;
- (B) whose \*physical or mental impairment constitutes or results in a \*substantial impediment to employment; and
- (C) for whom there is a presumption of ability to benefit in terms of an \*employment outcome from the provision of \*vocational rehabilitation services.

(2) The term individual with a disability does not include, for purposes of the Vocational Rehabilitation Program and the definition in paragraph (1) of this section, any individual:

- (A) currently engaging in chronic, dependent alcohol or drug abuse if—

(1) the individual refuses or fails to participate in and follow through with prescribed treatment, or

(2) the frequency and degree of use substantially impairs full participation in vocational rehabilitation services or successful job placement, job performance, or job retention, or

(3) the frequency and degree of use causes the individual to present a direct threat to property or the personal health and safety of self or others, except that

(4) nothing in paragraph (2)(A)(1) through (3) of this section excludes from the definition of an individual with a disability any individual who

(a) has successfully completed a supervised alcohol and/or drug rehabilitation program, as applicable, and is no longer engaging in chronic, dependent alcohol or drug abuse, or

(b) is currently participating in a supervised alcohol and/or drug rehabilitation program, as applicable, and is no longer engaging in chronic, dependent alcohol or drug abuse;

(B) based on homosexuality or bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(C) whose sole condition is compulsive gambling, kleptomania, or pyromania;

(D) who has a currently contagious disease or infection and who, by reason of such disease or infection, constitutes a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job; or

(E) whose impairment consists of any psychoactive disorder resulting from the current illegal use of drugs.

**200.32 INDIVIDUAL WITH A MOST SIGNIFICANT DISABILITY**

Individual with a most significant disability means an \*individual with a significant disability, as defined in section 200.33 of this chapter:

- (1) whose \*physical or mental impairment seriously limits any three or more functional capacities (cognitive and learning skills, communication, interpersonal skills, mobility, motor skills, self care, self direction, work skills, or work tolerance) in terms of an \*employment outcome;
- (2) whose vocational rehabilitation can reasonably be expected to require \*multiple vocational rehabilitation services over an \*extended period of time; and
- (3) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

**200.33 INDIVIDUAL WITH A SIGNIFICANT DISABILITY**

Individual with a significant disability means an \*individual with a disability, as defined in section 200.27 of this chapter:

- (1) whose \*physical or mental impairment seriously limits one or two functional capacities (cognitive and learning skills, communication, interpersonal skills, mobility, motor skills, self care, self direction, work skills, or work tolerance) in terms of an \*employment outcome;
- (2) whose vocational rehabilitation can reasonably be expected to require \*multiple vocational rehabilitation services over an \*extended period of time; and

(3) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

#### **200.34 INDIVIDUAL'S REPRESENTATIVE**

Individual's representative means any representative chosen by an \*applicant or \*eligible individual, as appropriate, including a parent, guardian, other \*family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

#### **200.35 INTEGRATED SETTING**

Integrated setting means a setting typically found in the community (not a setting artificially created) in which \*applicants or \*eligible individuals with disabilities interact with non-disabled individuals (other than non-disabled individuals who are care givers or service providers to those \*applicants or \*eligible individuals) to the same extent that non-disabled individuals in comparable situations interact with other persons.

#### **200.36 INTERPRETING HOUR; SERVICE HOUR**

For purposes of interpreting and other assisted communication services, Interpreting hour and service hour mean one hour (60 minutes) of actual service time during which interpreting or other assisted communication services are provided for the full hour/60 minutes. The term does not include travel time to or from the service assignment or down time (time between assignments).

**200.37 LOCAL COMMUNITY**

Local community means, for purposes of service and service provider selection, the geographic area **within 50 travel miles of an individual's place of residence by road, as calculated by official State of Indiana Department of Administration mileage charts, the Indiana Department of Transportation State of Indiana highway map, or other standard and publicly available mileage reference, such as MapQuest®.**

*[REQUIRED PRACTICE. Services and service providers within an individual's local community available at lower cost are preferred over services and service providers outside the individual's local community at higher cost (see PPM chapter 600 for further information). The local community preference for services and service providers extends to all VR services, including, but not limited to, physical and mental restoration services and medical and mental health providers and postsecondary training programs and institutions.]*

**200.38 MAINTENANCE**

Maintenance means monetary support provided to an individual for food, shelter, and clothing expenses that are incurred as a consequence of Vocational Rehabilitation Program participation, are in excess of the normal expenses of the individual, and are required in order for the individual to participate in an \*assessment for determining eligibility and priority for services, an \*assessment for determining vocational rehabilitation needs, or services provided under an Individualized Plan for Employment (IPE).

**200.39 MEDIATION**

Mediation means the act or process of using an independent third party as a mediator, intermediary, or conciliator to help persons or parties settle differences or resolving disputes prior to pursuing formal administrative or other legal remedies. Mediation must be agreed to by both parties (the individual or the \*individual's representative as well as the Vocational Rehabilitation Program) and must be conducted by a qualified and impartial mediator in accordance with the requirements of PPM chapter 320.

**200.40 MULTIPLE VOCATIONAL REHABILITATION SERVICES**

As applicable to the definitions for the terms \*individual with a significant disability and \*individual with a most significant disability of this chapter,

multiple vocational rehabilitation services means services from any two or more of the following service categories:

- (1) vocational counseling and guidance;
- (2) physical and mental restoration services;
- (3) rehabilitation technology services;
- (4) training services;
- (5) job-related services, including job search, job development, job placement assistance, job retention services, and follow-up and follow-along services (except when such services are provided for an \*assessment for determining eligibility and priority for services, trial work experiences, an extended evaluation, or supported employment services);
- (6) supported employment services (including supported employment job development, job placement, job coaching, job retention, transitional employment, and extended services);
- (7) consultation and technical assistance provided for individuals whose employment outcome goal is small business enterprise (SBE) ownership and operation or another self employment outcome.

#### **200.41 NEED ANALYSIS**

The process of analyzing household and financial information on a student's financial aid application (FAFSA) in order to calculate an expected family contribution (EFC) and determine the student's need for financial aid for postsecondary training costs.

#### **200.42 ON-THE-JOB TRAINING (OJT)**

On-the-job training means an employment and training process conducted in an integrated real work setting in which the individual, as the trainee, receives wages and benefits from an employer while developing the knowledge, skills, and/or experience required to successfully perform the job tasks associated with a specific job in \*competitive employment in an

\*integrated setting. See PPM chapter 531 for applicable policy and procedure.

### **200.43 ONGOING OPERATING COSTS**

Ongoing operating costs means the continuing costs of business operations for a \*small business enterprise (SBE) subsequent to the end of the \*start-up period, including all of the costs of ongoing day-to-day operations, such as: the compensation of employees and the payment of contractors; the costs of tool and equipment maintenance, repair, replacement; the replenishment of all consumables (such as product or raw material inventories); the payment of business debts; and business diversification, expansion, and relocation.

### **200.44 ONGOING SUPPORT SERVICES**

As used with respect to \*supported employment, the term ongoing support services:

(1) means services that are—

(A) needed to support and maintain an \*individual with a most significant disability in \*supported employment,

(B) identified based on a determination by the Vocational Rehabilitation Program of the individual's needs as specified in an Individualized Plan for Employment (IPE), and

(C) provided by the Vocational Rehabilitation Program from the time of job placement until transition to \*extended services, and thereafter by one or more extended services providers other than the Vocational Rehabilitation Program, throughout the individual's term of employment in a particular job placement (or throughout multiple job placements, if those placements are being provided under a program of \*transitional employment);

(2) must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on—

(A) at a minimum, twice-monthly monitoring at the supported employment worksite, or,

(B) if (under specific circumstances, especially at the request of the individual) the Individualized Plan for Employment provides for off-site monitoring, twice monthly meetings with the individual;

(3) consist of—

(A) any particularized assessment supplementary to the comprehensive \*assessment for determining vocational rehabilitation needs described in section 200.07 of this chapter;

(B) the provision of skilled job trainers (job coaches) who accompany the individual for intensive job skill training at the work site;

(C) job development and training;

(D) social skills training;

(E) regular observation or supervision of the individual;

(F) follow-up services including regular contact with the employers, the individual, and the parents, \*family members, guardians, advocates, or authorized representatives of the individual, or other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

(G) facilitation of natural supports at the worksite;

(H) any other service identified in the scope of \*vocational rehabilitation services for individuals, as defined in this chapter; or

(I) any service similar to the foregoing services.

## **200.45 PERSONAL ASSISTANCE SERVICES**

### Personal assistance services:

(1) means a range of services provided by one or more persons and designed to assist an individual with a disability in the performance of



activities of daily living on or off the job that the individual would typically perform without assistance if the individual did not have a disability;

(2) must be—

(A) designed to increase the individual's control in life and ability to perform everyday activities on or off the job,

(B) necessary to the achievement of an employment outcome, and

(C) provided only in conjunction with one or more other vocational rehabilitation services when required to support the other services, and only while the individual is receiving the other services being supported;

(3) may include, as appropriate and necessary, interpreting, attendant, reader, and note taking services, and training in managing, supervising, and directing such service providers.

## **200.46 PHYSICAL AND MENTAL RESTORATION SERVICES**

Physical and mental restoration services:

(1) means, to the extent that financial support is not readily available from another source (such as health insurance or other \*comparable services and benefits), services necessary to obtain a diagnosis and evaluation or provide treatment for a \*physical or mental impairment:

(A) that is—

(1) stable or slowly progressive,

(2) an acute or chronic exacerbation of a condition that is otherwise stable or slowly progressive, or

(3) an emergency caused by the provision of other physical and mental restoration services by the Vocational Rehabilitation Program;

(B) that constitutes or results in a \*substantial impediment to employment; and

(C) that can reasonably be expected to correct or improve the physical or mental impairment and to eliminate or reduce the impediment to employment within a reasonable period of time.

(2) Physical and mental restoration services may include, as determined to be consistent with the requirements described in paragraph (1) of this section—

(A) any medical or psychological examination, evaluation, or assessment by an acceptable medical or health care source, including related laboratory and other services;

(B) corrective surgery, including, but not limited to, the costs of necessary inpatient hospitalization and outpatient hospital, clinic, and office services in connection with surgery, together with related medications and supplies and nursing, laboratory, and other services;

(C) therapeutic treatment, including, but not limited to, physical therapy, occupational therapy, and speech and hearing therapy;

(D) prescribed medical equipment and supplies;

(E) prosthetic and orthotic devices;

(F) corrective visual services, including eyeglasses, contact lenses, and low-vision aids, together with the examinations and other services necessary for their prescription, provision, and fitting;

(G) hearing aids, together with the services necessary for their prescription, provision, and fitting;

(H) corrective dentistry;

(I) diagnosis and treatment of mental and emotional disorders, including psychiatric and psychological counseling and therapy, and other mental health services;

(J) special services for the treatment of end-stage renal disease, including dialysis, kidney transplantation, artificial kidneys, and related services and supplies; and

(K) other medical or medically related rehabilitation services necessary to diagnose or treat qualifying physical and mental impairments.

#### **200.47 PHYSICAL OR MENTAL IMPAIRMENT**

Physical or mental impairment means:

(1) any physical disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the neurological, musculo-skeletal, specialized sensory organs, respiratory (including speech) organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, or endocrine systems; or

(2) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

#### **200.48 POST-EMPLOYMENT SERVICES**

Post-employment services means any one or more \*vocational rehabilitation services that are provided subsequent to the achievement of an \*employment outcome and successful case closure that are necessary for an individual to maintain, regain, or advance in employment consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. See PPM chapter 490 for applicable policy and procedure.

#### **200.49 PUBLIC RECORD**

Public record means any writing, paper, report, form, study, map, photograph, book, card, audiovisual recording, or other material that is obtained or produced by a public agency and received, used, filed, or otherwise retained by the agency, regardless of its source, form, or content, or the manner or place of its creation, transmission, receipt, retention, or mode of retrieval.

#### **200.50 QUALIFIED AND IMPARTIAL MEDIATOR**

(1) Qualified and impartial mediator means an individual who:

(A) is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

(B) is not a member of the state rehabilitation council (SRAC) of the Vocational Rehabilitation Program;

(C) has not been involved previously in the vocational rehabilitation of the \*applicant or \*eligible individual;

(D) is knowledgeable of the Vocational Rehabilitation Program and the applicable federal and state laws, regulations, and policies governing the provision of \*vocational rehabilitation services;

(E) has been trained in effective mediation techniques consistent with any state-approved or state-recognized certification, licensing, registration, or other requirements; and

(F) has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual during mediation proceedings.

(2) An individual serving as a mediator is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the program to serve as a mediator.

## **200.51 REHABILITATION ENGINEERING**

Rehabilitation engineering means the systematic application of engineering sciences to design, develop, manufacture or produce, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

## **200.52 REHABILITATION TECHNOLOGY (RT)**

Rehabilitation technology (RT) means the systematic application of technologies, engineering methodologies, or scientific principles to meet

the needs of, and address the barriers confronted by, \*individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes \*rehabilitation engineering, \*assistive technology devices, and \*assistive technology services.

### **200.53 SERVICES TO FAMILY MEMBERS**

Services to family members are \*vocational rehabilitation services provided to a \*family member of an \*applicant or \*eligible individual when such services are required in order for the \*applicant or \*eligible individual to achieve an \*employment outcome. Services to family members may include child or elder care, or similar services.

### **200.54 SHELTERED WORK**

Sheltered work (also called "extended employment") means work performed for an extended or indefinite period in a non-integrated or sheltered setting for a public or private nonprofit agency or organization for which compensation is provided in accordance with the Fair Labor Standards Act, as amended. Sheltered work is not an allowable employment outcome for purposes of the Vocational Rehabilitation Program, and \*vocational rehabilitation services cannot be provided to achieve or maintain the individual in a sheltered work setting.

### **200.55 SMALL BUSINESS ENTERPRISE (SBE)**

For purposes of the Vocational Rehabilitation Program, the term small business enterprise (SBE) means an \*employment outcome **which provides full-time or if appropriate, part-time \*competitive employment in an \*integrated setting in which the enterprise:**

- (1) is a new, first-time, **start-up** business (not an \*existing business);
- (2) is wholly or partly owned **and operated** by the individual;
- (3) is a wholly independent entity, separate from and not subordinate to any other **individual, organization, or other** entity with respect to its business name, **legal structure**, location, **the product(s) and/or service(s) offered**, marketing **and advertising decisions**, management,

**day-to-day** operations, and the disposition of **the** revenues **generated from sales**, and in which the individual is self employed, working for themselves rather than as an employee of another individual, organization, or other entity outside the enterprise;

(4) represents the sole or primary employment of the individual, **in which he or she is responsible for the performance of significant work on a regular full-time or part-time basis that is integral to the management and day-to-day operations of the enterprise**, and **is the** sole or primary source of **his or her** earned income; and

(5) is **an enterprise for which there is a reasonable expectation that it will** become, within a reasonable period of time, a successfully self-sustaining business generating sufficient revenues from its own operations to both—

(A) meet its own \*ongoing operating costs, and

(B) provide personal income for the individual equal to or exceeding the **e p**revaling federal minimum wage rate but not less than the customary earnings of individuals who do not have disabilities and perform the same or similar work.

**[REQUIRED PRACTICE. In accordance with this definition, Vocational Rehabilitation Program assistance for an SBE outcome is not available, and cannot be provided: (1) to purchase an existing business for any individual or assist any existing business owned and operated by the individual; (2) for any business in which the individual has no specifically identified ownership interest (as, for example, a family business in which the individual has no defined ownership and is essentially working as an employee); (3) any distributorship, franchise, subsidiary, or other form of business linked to any other individual, organization, or other entity by reason of its name, legal structure, product/service identity, marketing and advertising programs, management or operation, or accounting requirements; (4) for any business providing only secondary employment, which does not require the substantial participation of the individual for its management and operation, or which provides income that is only secondary or supplemental to other earnings of the individual; or (5) for any business that is not anticipated to generate sufficient revenues from its own operations to become successfully self-sustaining within a reasonable period of time, able to meet its own ongoing operating costs and satisfies the requirements of competitive employment, providing an income for the individual that equals or exceeds the greater of the current federal minimum wage rate or the earnings of individuals who do not have disabilities but who are similarly self employed.]**

**200.56 START-UP PERIOD**

As applied to a \*small business enterprise (SBE), start-up period means the period of time required to establish the business and fund business operations from the date on which actual business operations begin until the earliest of:

**(1)** the date on which the revenues generated by the business from the sale of its own products and/or services equal or exceed the \*ongoing operating costs of the business for the third consecutive month; or

**(2)** **any other** date identified by the Individualized Plan for Employment (IPE) as the end of the \*start-up period; **but, in no case to exceed**

**(3)** 24 calendar months following the commencement of business operations.

***[REQUIRED PRACTICE. The start-up period must be clearly defined in both the comprehensive written business plan and the IPE of the individual.]***

**200.57 STUDENT AID REPORT (SAR)**

A federal document sent to a student by the Education Department's processing facility which contains financial and other information reported by the student on the \*Free Application for Federal Student Aid (FAFSA). A student receives a paper SAR if he or she files a paper FAFSA and does not provide a valid e-mail address. The student receives a link to online SAR information if he or she provides a valid e-mail address on the FAFSA. The student's \*expected family contribution (EFC) is included on the SAR. All information reported on the SAR is also sent to schools the student has listed on the FAFSA.

**200.58 SUBSTANTIAL IMPEDIMENT TO EMPLOYMENT**

Substantial impediment to employment means that a \*physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from preparing for, securing, and retaining or regaining an \*employment outcome consistent with his or her abilities and capabilities.

**200.59 SUPPORTED EMPLOYMENT (SE)**

Supported employment means:

(1) \*competitive employment in an \*integrated setting, or other employment in an \*integrated setting in which an individual is working toward \*competitive employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, with \*ongoing support services for individuals with most significant disabilities—

(A) for whom \*competitive employment has not traditionally occurred or for whom \*competitive employment has been interrupted or intermittent as a result of a significant disability, and

(B) who, because of the nature and severity of their disabilities, need intensive \*supported employment services from the Vocational Rehabilitation Program and \*extended services after transition as described in this chapter to perform such work; or

(2) \*transitional employment, as defined in this chapter, for individuals with the most significant disabilities due to mental illness.

**200.60 SUPPORTED EMPLOYMENT (SE) SERVICES**

Supported employment services means \*ongoing support services and other appropriate services needed to support and maintain an \*individual with a most significant disability in \*supported employment, and which are provided by the Vocational Rehabilitation Program:

(1) for a period of time not to exceed 18 months following job placement, or until transition to extended services, unless under special circumstances the \*eligible individual and the Vocational Rehabilitation Counselor jointly agree to extend the time to achieve the \*employment outcome identified in the Individualized Plan for Employment (IPE); and

(2) following transition, as \*post-employment services that are unavailable from an \*extended services provider and that are necessary to maintain or regain the job placement or advance in employment.



**200.61 SUPPORTING SERVICES**

Supporting services:

(1) specifically refers to program maintenance, program \*transportation, **services to family members, and** personal assistance services (including interpreting and other assisted communication services and attendant, reading, and note taking services); and

(2) can be provided only in conjunction with another vocational rehabilitation service (other than another supporting service), **when** required to enable an individual to participate in **the primary service being supported and achieve a planned** employment outcome.

**200.62 TRANSITION SERVICES**

Transition services means a coordinated set of activities for a student, designed within an outcome-oriented process that promotes movement from school to post-school activities including postsecondary education, vocational training, integrated employment (including \*supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the \*employment outcome identified in the student's Individualized Plan for Employment (IPE).

**200.63 TRANSITIONAL EMPLOYMENT**

As used in the definition of \*supported employment, transitional employment means a series of temporary job placements in \*competitive employment in \*integrated settings with \*ongoing support services for \*individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of \*ongoing support services must include continuing sequential job placements until job permanency is achieved.

**200.64 TRANSPORTATION**

Transportation means travel and related expenses that are necessary to enable an \*applicant or \*eligible individual to participate in one or more \*vocational rehabilitation services, including **the costs of** training in the use of public transportation vehicles and systems.

**200.65 UNMET NEED**

For purposes of postsecondary training student financial aid, the remaining portion of a student's \*financial need after all federal, state, and institutionally based grant awards have been subtracted (financial need – grant assistance = unmet need). It can alternatively be calculated from the \*cost of attendance (COA) by the formula: COA – EFC – grant assistance = unmet need.

**200.66 VOCATIONAL REHABILITATION (VR) SERVICES**

The term vocational rehabilitation services means any of the services **provided by the Vocational Rehabilitation Program, as determined to be** appropriate **and necessary** to **meet** the vocational rehabilitation needs and informed choice of each individual consistent with the relevant program policies pertaining to the specific service.

[AUTHORITY: Federal regulations 34 CFR 361.5(b); 361.41(b)(2); 361.42; 361.45; 361.48; 363.6; U.S. Senate Report No. 357, 102d Cong., 2d Sess., 37-38 (1992); 62 Federal Register 6310 (Tuesday, February 11, 1997); RSA-MT-91-04; U.S. Education Department publication *Counselors and Mentors Handbook On Federal Student Aid* (2005-06), pp.89-92; I.C. 5-14-3-1, *et seq.*; 12-7-2-21(2) and 20-1-6.1-3.1, *et seq.*;]

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